

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS INC., *et al.*,<sup>1</sup>

Debtor.

Chapter 11

Case No. 24-11967 (JKS)  
(Jointly Administered)

Related D.I.: 1449, 1556

**NOTICE OF APPEAL OF CERTAIN ADMINISTRATIVE CLAIMANTS**

**PLEASE TAKE NOTICE** that administrative claimants Peak Living, Inc. (“Peak Living”), Delta Furniture Manufacturing, LLC (“Delta Furniture”), and Independent Furniture Supply Co., Inc. (“IFS”) (collectively, the “Administrative Claimants”), by and through undersigned counsel, hereby appeal to the United States District Court for the District of Delaware pursuant to 28 U.S.C. §§ 158(a) and 158(c)(2), and Rules 8002 and 8003 of the Federal Rules of Bankruptcy Procedure from (i) the *Order (I) Approving the Asset Purchase Agreement, (II) Authorizing and Approving the Sale of Certain of the Debtors' Assets Free and Clear of All Claims, Liens, Rights, Interests, Encumbrances, and Other Assumed Liabilities and Permitted Encumbrances, (III) Authorizing and Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief* [D.I. 1556] entered on January 2, 2025 in the above-captioned case (attached hereto as Exhibit A, the “Sale Order”) and (ii) the *Order Shortening Notice of Motion of Debtors for Entry of An Order (I) Approving Sale of Debtors' Assets Free and Clear of Liens, Claims, Interests, and Encumbrances,*

---

<sup>1</sup> The debtors and debtors in possession in these chapter 11 cases(hereinafter “Debtors”) are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broihill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277).

(II) Authorizing the Debtors to Enter Into and Perform Under the GBRP APA, (III) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief[D.I. 1449] entered on December 27, 2024 (attached hereto as **Exhibit B**, the “Order Shortening Time”), including, without limitation, any and all related orders, judgments, decrees, decisions, rulings, and opinions, oral or otherwise, that were or may subsequently be entered regarding the Sale Order or the Order Shortening Time.

**PLEASE TAKE FURTHER NOTICE** that the names of all parties to the Sale Order and the Order Shortening Time and the names, addresses, and telephone numbers of their attorneys are as follows:

|    | <b><u>PARTY</u></b>               | <b><u>ATTORNEYS</u></b>  |
|----|-----------------------------------|--|
| 1. | Big Lots, <i>et al.</i> , Debtors | <p>MORRIS, NICHOLS, ARSHT &amp; TUNNELL LLP<br/>           Robert J. Dehney, Sr.<br/>           Andrew R. Remming<br/>           Tamara K. Mann<br/>           Sophie Rogers Churchill<br/>           Casey B. Sawyer<br/>           1201 N. Market Street, 16th Floor<br/>           Wilmington, DE 19801<br/>           Tel: (302) 658-9200<br/> <a href="mailto:rdehney@morrisnichols.com">rdehney@morrisnichols.com</a><br/> <a href="mailto:aremming@morrisnichols.com">aremming@morrisnichols.com</a><br/> <a href="mailto:tmann@morrisnichols.com">tmann@morrisnichols.com</a><br/> <a href="mailto:srchurchill@morrisnichols.com">srchurchill@morrisnichols.com</a><br/> <a href="mailto:csawyer@morrisnichols.com">csawyer@morrisnichols.com</a></p> <p>- and -</p> <p>DAVIS POLK &amp; WARDWELL LLP<br/>           Brian M. Resnick (<i>admitted pro hac vice</i>)<br/>           Adam L. Shpeen (<i>admitted pro hac vice</i>)<br/>           James I. McClammy (<i>admitted pro hac vice</i>)<br/>           Stephen D. Piraino (<i>admitted pro hac vice</i>)<br/>           Ethan Stern (<i>admitted pro hac vice</i>)<br/>           450 Lexington Avenue<br/>           New York, NY 10017</p> |

|    |   |  |
|----|---|--|
|    |   | <p>Tel: (212) 450-4000<br/> <a href="mailto:brian.resnick@davispolk.com">brian.resnick@davispolk.com</a><br/> <a href="mailto:adam.shpeen@davispolk.com">adam.shpeen@davispolk.com</a><br/> <a href="mailto:james.mcclammy@davispolk.com">james.mcclammy@davispolk.com</a><br/> <a href="mailto:stephen.piraino@davispolk.com">stephen.piraino@davispolk.com</a><br/> <a href="mailto:ethan.stern@davispolk.com">ethan.stern@davispolk.com</a></p>   |
| 2. | Gordon Brothers Retail Partners, LLC        | <p>RIEMER &amp; BRAUNSTEIN LLP<br/> Steven E. Fox<br/> Times Square Tower<br/> Seven Times Square, Suite 2506<br/> New York, NY 10036<br/> Tel: (212) 789-3150<br/> <a href="mailto:sfox@riemerlaw.com">sfox@riemerlaw.com</a></p>   |
| 3. | Appellants/Administrative Claimants         | <p>GOLDSTEIN &amp; MCCLINTOCK LLLP<br/> Maria Aprile Sawczuk<br/> 501 Silverside Road, Suite 65<br/> Wilmington, DE 19809<br/> Tel: (302) 444-6710<br/> <a href="mailto:marias@goldmclaw.com">marias@goldmclaw.com</a></p> <p>--and--</p> <p>PHELPS DUNBAR LLP<br/> Danielle Mashburn-Myrick (<i>admitted Pro Hac Vice</i>)<br/> 101 Dauphin Street, Suite 1000<br/> Mobile, AL 36602<br/> Tel: (251) 441-8202<br/> <a href="mailto:Danielle.mashburn-myrick@phelp.com">Danielle.mashburn-myrick@phelp.com</a></p> |
| 4. | Andrew Vara, United States Trustee Region 3 | <p>Linda J. Casey<br/> Trial Attorney<br/> United States Department of Justice<br/> Office of the United States Trustee<br/> J. Caleb Boggs Federal Building<br/> 844 King Street, Suite 2207, Lockbox 35<br/> Wilmington, DE 19801<br/> Tel: (302) 573-6491<br/> <a href="mailto:Linda.Casey@usdoj.gov">Linda.Casey@usdoj.gov</a></p>   |
| 5. | Official Committee of Unsecured Creditors   | <p>COLE SCHOTZ P.C.<br/> Justin R. Alberto<br/> Stacy L. Newman<br/> 500 Delaware Avenue, Suite 1410<br/> Wilmington, DE 19801</p>   |

|  |   |
|--|---|
|  | <p>Tel: (302) 652-3131<br/><a href="mailto:jalberto@coleschotz.com">jalberto@coleschotz.com</a><br/><a href="mailto:snewman@coleschotz.com">snewman@coleschotz.com</a></p> <p>- and -</p> <p>MCDERMOTT WILL &amp; EMERY LLP<br/>Darren Azman (<i>admitted pro hac vice</i>)<br/>Kristin K. Going (<i>admitted pro hac vice</i>)<br/>Stacy Lutkus (<i>admitted pro hac vice</i>)<br/>Natalie Rowles (<i>admitted pro hac vice</i>)<br/>One Vanderbilt Avenue<br/>New York, NY, 10017<br/>Tel: (212) 547-5400<br/><a href="mailto:dazman@mwe.com">dazman@mwe.com</a><br/><a href="mailto:kgoing@mwe.com">kgoing@mwe.com</a><br/><a href="mailto:salutkus@mwe.com">salutkus@mwe.com</a><br/><a href="mailto:nrowles@mwe.com">nrowles@mwe.com</a></p> |
|--|---|

Dated: January 16, 2025  
Wilmington, DE

**GOLDSTEIN & MCCLINTOCK LLLP**

/s/ Maria Aprile Sawczuk

Maria Aprile Sawczuk (No. 3320)  
501 Silverside Road, Suite 65  
Wilmington, DE 19809  
Telephone: (302) 444-6710  
Email: marias@goldmclaw.com

-and-

**PHELPS DUNBAR LLP**

Danielle Mashburn-Myrick (*admitted Pro Hac Vice*)  
101 Dauphin Street, Suite 1000  
Mobile, AL 36602  
Telephone: (251) 441-8202  
Email: Danielle.mashburn-myrick@phelp.com

*Attorneys for Appellants/Administrative Claimants*